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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council

27/7
The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011, 18/1 of 28 September 2011, 21/2 of 27 September 2012 and 24/18 of 27 September 2013,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, as well as resolution 68/157 of 18 December 2013, in which the Assembly reaffirmed by consensus the human right to safe drinking water and sanitation,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling further the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Recalling Human Rights Council resolution 25/11 of 27 March 2014 on the question of the realization in all countries of economic, social and cultural rights, in which the Council underlined the importance of an effective remedy for violations of economic, social and cultural rights,

Reaffirming the commitment to human rights as expressed in General Assembly resolution 55/2 of 8 September 2000, entitled "United Nations Millennium Declaration",

and its follow-up resolutions 60/1 of 16 September 2005, entitled "2005 World Summit Outcome", and 65/1 of 22 September 2010, entitled "Keeping the promise: united to achieve the Millennium Development Goals", as well as in resolutions 66/288 of 11 September 2012, entitled "The future we want", and 68/6 of 9 October 2013, entitled "Outcome document of the special event to follow up efforts made towards achieving the Millennium Development Goals",

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing in that context the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation") and the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals entitled "Keeping the promise: united to achieve the Millennium Development Goals",

Taking note of relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006; the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009; the Panama Declaration, adopted at the third Latin American and Caribbean Conference on Sanitation, in 2013; the Kathmandu Declaration, adopted at the fifth South Asian Conference on Sanitation, in 2013; and the commitments made on the human right to safe drinking water and sanitation at the Sanitation and Water for All High-Level Meeting, in 2014,

Taking note with appreciation of the work of the World Health Organization and the United Nations Children's Fund in their 2014 update on the Joint Monitoring Programme for Water Supply and Sanitation,

Welcoming the fact that, according to the 2012 Joint Monitoring Programme report of the World Health Organization and the United Nations Children's Fund, the Millennium Development Goal target relating to the reduction by 50 per cent of people without access to an improved water source was formally met five years before its deadline of 2015, while being deeply concerned, however, that, according to the 2014 Joint Monitoring Programme update, a large number of the world's population still does not enjoy access to safe drinking water, as 748 million people, nearly half of them in sub-Saharan Africa, still lack access to improved drinking-water sources, and that at least 1.8 billion people are estimated to be using an improved or unimproved drinking water source that is unsafe,

Deeply concerned that, according to the 2014 Joint Monitoring Programme update, more than 2.5 billion people still do not have access to improved sanitation facilities, including 1 billion people who still practice open defecation, and that the world remains off track to meet the sanitation component of Millennium Development Goal 7, which called for halving the proportion of the population without sustainable access to an improved sanitation facility; and welcoming therefore the emphasis placed by States on the topic of sanitation, for instance in General Assembly resolution 65/1 of 22 September 2010, in which States committed to, inter alia, redouble efforts to close the sanitation gap through scaled-up ground-level action, and the proclamation of 19 November as World Toilet Day in the context of Sanitation for All, pursuant to Assembly resolution 67/291 of 24 July 2013,

Concerned that the official figures do not fully capture the dimensions of drinking water safety, affordability of services and safe management of excreta and wastewater, and therefore underestimate the numbers of those without access to safe and affordable drinking

water and safely managed and affordable sanitation, and highlighting in this context the need to adequately monitor the safety of drinking water and sanitation in order to obtain data that capture those dimensions as a critical part of securing access to safe drinking water and the safe management of sanitation,

Reaffirming that non-discrimination and equality are fundamental human rights principles, and concerned that inequalities in the realization of the right to safe drinking water and sanitation persist, inter alia, between urban and rural areas and between formal and informal areas in cities, and insisting that much remains to be done on safety, equality and non-discrimination issues,

Concerned that the lack of access to adequate water and sanitation services, including menstrual hygiene management, and the widespread stigma associated with menstruation have a negative impact on gender equality and the human rights of women and girls,

Recognizing that, in realizing the human right to safe drinking water and sanitation as well as other human rights for a rapidly growing world population, States should increasingly pursue integrated approaches and strengthen their water resource management, including by improving their wastewater treatment and by preventing and reducing surface and groundwater pollution,

Recalling General Assembly resolution 67/291, entitled "Sanitation for All", in which the Assembly encouraged all Member States, as well as the organizations of the United Nations system and international organizations and other stakeholders, to approach the sanitation issue in a much broader context and to encompass all its aspects, including hygiene promotion, the provision of basic sanitation services, sewerage and wastewater treatment and reuse in the context of integrated water management,

Affirming the need to adequately consider the human right to safe drinking water and sanitation in the elaboration of the post-2015 development agenda, in particular while defining concrete goals, targets and indicators,

Reaffirming its encouragement to Member States to intensify global partnerships for development as a means to achieve and sustain the Millennium Development Goal targets on water and sanitation,

Reaffirming also the importance of national programmes and policies in ensuring the progressive realization of the human right to safe drinking water and sanitation,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human right to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Reaffirming that the human right to safe drinking water and sanitation entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity;

1. *Reaffirms* that the human right to safe drinking water and sanitation is essential for the full enjoyment of life and to all human rights, and recalls that it is derived from the right to an adequate standard of living and is inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity;

2. *Recalls* that safe drinking water and sanitation must be progressively made available for present and future generations, without discrimination, and that the provision

of services today should safeguard the ability in the future to realize the human right to safe drinking water and sanitation;

3. *Alarmed* by the fact that, according to the 2014 Joint Monitoring Programme update, the percentage of the global population without access to an improved sanitation facility decreased by only 7 per cent between 1990 and 2012 and that, if current trends continue, the Millennium Development Goal target on sanitation will be missed by more than half a billion people, and calls upon all Member States to continue to support the global effort to realize the goals of the advocacy campaign "Sustainable sanitation: the five-year drive to 2015", including action to eliminate the practice of open defecation, as called for by the Deputy Secretary-General on 28 May 2014;

4. *Welcomes* the fact that the Open Working Group on Sustainable Development Goals proposed in its outcome document a goal on water and sanitation and targets on universal access to drinking water, sanitation and hygiene, highlighting in particular the dimensions of safety, affordability, adequacy, equality, participation and sustainability, that it proposed objectives to end open defecation and to improve wastewater treatment, and that special attention be given to the needs of women and girls and those in vulnerable situations, and invites States to consider adequately the human right to safe drinking water and sanitation in the elaboration of the post-2015 development agenda;

5. *Also welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and the undertaking of country missions;

6. *Further welcomes* the annual report of the Special Rapporteur submitted to the General Assembly on managing wastewater, curbing water pollution and improving water quality for the realization of the human right to safe drinking water and sanitation,[1] in which she emphasized the need to ensure that respect for, protection of and fulfilment of human rights are integrated into wastewater management and to develop a holistic approach to sustainable water resource management, including wastewater management;

7. *Welcomes* the annual report of the Special Rapporteur submitted to the Human Rights Council on common violations of the human rights to water and sanitation,[2] and encourages Governments and other stakeholders to use, as appropriate, the "Handbook for realizing the human rights to water and sanitation: from policy to practice", presented in an addendum to that report[3] as a tool for the progressive realization of the human right to safe drinking water and sanitation;

8. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

9. *Stresses* the important role of international cooperation and the technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing

[1] A/68/264.
[2] A/HRC/27/55.
[3] A/HRC/27/55/Add.3.

development programmes in support of national initiatives and plans of action related to the right to safe drinking water and sanitation;

10. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human right to safe drinking water and sanitation, and in this regard, of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights;

11. *Calls upon* States:

(*a*) To achieve progressively the full realization of the human right to safe drinking water and sanitation;

(*b*) To identify patterns of failure to respect, protect or fulfil the human right to safe drinking water and sanitation for all persons without discrimination and to address their structural causes in policymaking and budgeting within a broader framework, while undertaking holistic planning aimed at achieving sustainable universal access, including in instances where the private sector, donors and non-governmental organizations are involved in service provision;

(*c*) To ensure that effective remedies for violations of their obligations regarding the human right to safe drinking water and sanitation, including judicial, quasi-judicial and other appropriate remedies, are accessible to everyone, without discrimination;

(*d*) To promote access for judges, prosecutors and decision-makers to adequate human rights education and training, including on the human right to safe drinking water and sanitation, by, inter alia, promoting or otherwise supporting ongoing training and the inclusion of such human rights curricula in law schools and other higher education, as appropriate;

(*e*) To promote the ability of human rights institutions and other relevant bodies to identify violations of the right to safe drinking water and sanitation, to receive complaints of violations of the right to safe drinking water and sanitation, and to assist with access to effective remedies for violations of the right to safe drinking water and sanitation;

(*f*) To provide comprehensive information in their periodic reports to treaty-monitoring bodies, for the universal periodic review process and to relevant regional and other mechanisms, as appropriate, for the identification, prevention and remedy of violations of the human right to safe drinking water and sanitation;

12. *Calls upon* non-State actors, including business enterprises, both transnational and others, to comply with their responsibility to respect human rights, including the human right to safe drinking water and sanitation, including by cooperating with State investigations into allegations of abuses of the human right to safe drinking water and sanitation, and by progressively engaging with States to detect and remedy abuses of the human right to safe drinking water and sanitation;

13. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human right to safe drinking water and sanitation, to identify challenges and obstacles to the full realization of the human right to safe drinking water and sanitation, as well as protection gaps thereto, to continue to identify good practices and enabling factors in this regard, and to monitor the way in which the human right to safe drinking water and sanitation is being realized throughout the world;

14. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the

recommendations of the mandate holder, and to make available information on measures taken in this regard;

15. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

16. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

39th meeting
25 September 2014

[Adopted without a vote.]